

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

International Information Systems Security Certifications Consortium	:	
	:	
Plaintiff,	:	Case No.: 2:07-cv-1195
	:	
v.	:	Judge Marbley
	:	
Miko Degraphenreed, et al.	:	Magistrate Judge King
	:	
Defendants.	:	

MOTION TO DISMISS DEFENDANT GOOGLE, INC.

Pursuant to Rule 41(a)(2), Plaintiff International Information Systems Security Certifications Consortium, moves this Court for an Order dismissing all claims against Defendant Google, Inc., with prejudice. A brief memorandum in support of this motion is attached. A proposed order will be separately forwarded to the Court's chambers.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

The present action alleges that Defendants Degraphenreed and Degrapheinread Information Systems Security Corporation (DISS Corp.) have been and are engaged in activities that infringe Plaintiff's federally-registered trademark. The Complaint asserts trademark infringement, unfair competition and false designation, dilution, and other claims against Degraphenreed and DISS Corp.

The Complaint also alleges that Defendants Google, Inc. and Yahoo!, Inc. contributed to Degraphenreed's and DISS Corp.'s infringement by providing the method and platform for publication of infringing materials on the Internet. Plaintiff sought only injunctive relief against Defendants Google and Yahoo, requiring the removal of existing infringing material from the Internet and prevention of posting of future infringing material. Plaintiff does not seek direct damages from Google or Yahoo.

During the period since this action was filed on November 16, 2007, the infringing material contained on websites hosted or published by Defendant Google has been removed. Because the material that Plaintiff alleged constituted contributory infringement by Google is no longer on the Internet, there is no need for this action to proceed against Google. Therefore, Plaintiff seeks to dismiss its claims against Google with prejudice, while proceeding against the remaining Defendants.¹

¹ Counsel for Plaintiff contacted counsel for Defendant Yahoo regarding this motion. Yahoo's counsel responded that it has no objection to the dismissal of Google from this action.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was duly served by ordinary U.S. mail, first class postage prepaid, or electronically through the Court's ECF System at the email addresses registered with the Court, upon the following parties this 10th day of January, 2007:

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